

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

JOSE MEDINA CAMACHO, on behalf of
himself and all others similarly situated,

Plaintiff,

v.

PEOPLECONNECT, INC., a Delaware
corporation, and INTELIIUS LLC, a
Delaware limited liability company,

Defendants.

No.

CLASS ACTION COMPLAINT

JURY DEMAND

Plaintiff Jose Medina Camacho brings this Class Action Complaint against Defendants PeopleConnect, Inc. and Intelius LLC to put an end to their unlawful practice of using the names and identities of Alabama residents without their consent in order to promote their services. Plaintiff, on behalf of himself and all others similarly situated, alleges as follows upon personal knowledge as to his own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by his own attorneys.

NATURE OF THE ACTION

1. Defendants operate intelius.com and ussearch.com, two websites that purport to sell access to databases containing proprietary “detailed reports” about people to anybody willing to pay for a monthly subscription.

2. To market their services, Defendants encourage consumers to perform a free “people search” on their websites. When consumers perform a free search for an individual—by typing the individual’s first and last name into the search bar—Defendants display webpages

1 featuring the searched individual's full name alongside certain uniquely identifying information,
2 including age, location, and names of relatives. The purpose of these pages is twofold: first, they
3 show potential customers that Defendants' database contains detailed reports for the *specific*
4 individual they searched for and represent that the detailed report contains much more
5 information about the individual than the "free" report, and second, they offer to sell them a paid
6 subscription to their services, where they can access detailed reports about *anybody* in their
7 database. In other words, Defendants do not offer to sell detailed reports about the individuals
8 searched on their websites, but rather, use their identities to sell subscriptions to Defendants'
9 paid services.

10 3. Unsurprisingly, the people appearing in these advertisements never provided
11 Defendants with their consent (written or otherwise) to use their identities for any reason, let
12 alone for Defendants' own marketing and commercial purposes.

13 4. Defendants knowingly search for and obtain identifying information on Alabama
14 residents. Indeed, this lawsuit revolves around Defendants' business practice of acquiring
15 identifying information about Alabama residents with the specific intent of selling access to that
16 information to its customers.

17 5. Defendants compile and generate the content they advertise and sell on their
18 websites.

19 6. Defendants violated—and continue to violate—the Alabama Right of Publicity
20 Act ("ARPA") Ala. Code § 6-5-770, *et seq.* by using the full names and other aspects of the
21 identities of Alabama residents in Defendants' advertisements and marketing strategy without
22 consent and for Defendants' commercial gain.

23 PARTIES

24 7. Plaintiff Jose Medina Camacho is a natural person and a resident of the State of
25 Alabama.

8. Defendant PeopleConnect, Inc., is a corporation existing under the laws of the State of Delaware with its principal place of business located at 1501 4th Avenue, Suite 400, Seattle, Washington 98101.

9. Defendant Intelius LLC is a limited liability company existing under the laws of the State of Delaware with its principal place of business also located at 1501 4th Avenue, Suite 400, Seattle, Washington 98101.

JURISDICTION AND VENUE

10. This Court has original jurisdiction over this action under the Class Action Fairness Act (“CAFA”), 28 U.S.C. § 1332(d)(2). The amount in controversy exceeds \$5,000,000, exclusive of interest and costs, and there are more than 100 members of the Class, defined below, many of which are citizens of a different state than Defendants. Defendants are citizens of Washington, where they maintain their principal place of business.

11. The Western District of Washington has personal jurisdiction over Defendants because Defendants are headquartered within this District and conduct substantial business in this District.

12. Venue is proper in this Court under 28 U.S.C. § 1391 because Defendants are headquartered and reside in this District, their senior officers are located in this District, and a substantial part of the events giving rise to Plaintiff’s claims arose in this District.

COMMON FACTUAL ALLEGATIONS

The Alabama Right of Publicity Act

13. In 2015, the Alabama Legislature recognized that every person has the “right of publicity in any indicia or identity,” Ala. Code § 6-5-772, and as a result, passed the ARPA to protect individual property rights and prevent the exploitation of individuals’ identities for another’s commercial gain.

14. The Act protects individuals from the unauthorized use of any of their attributes, including but not limited to, their names, signatures, photographs, images, likenesses, voices, or a substantially similar limitation of one or more of those attributes in the sale or advertisement of

1 products, goods, merchandise, and services.

2 15. In fact, the ARPA states that, “any person or entity who uses or causes the use of
3 the indicia of identity of a person . . . for purposes of advertising or selling, or soliciting
4 purchases of, products, goods, merchandise, or services . . . without consent shall be liable under
5 this article to that person, or to a holder of that person’s rights.” Ala. Code § 6-5-772.

6 16. Notably, the ARPA provides a right of publicity “in any indicia of identity . . .
7 whether or not famous,” Ala. Code § 6-5-771(3), as well as liability for persons or entities “who
8 wrongfully use another person’s indicia of identity whether or not for profit.” Ala. Code § 6-5-
9 774.

10 ***Defendants Use Individuals’ Identities to Promote Their Paid Subscription Service.***

11 17. On information and belief, PeopleConnect operates four “people search”
12 websites: TruthFinder, Intelius, Instant Checkmate, and US Search (the “People Search
13 Websites”). PeopleConnect designed each of the People Search Websites to operate in a
14 substantially similar way: to misappropriate consumers’ identities for its own commercial gain
15 by using Plaintiff’s and the Class’s identities in conjunction with an offer to purchase a paid
16 subscription to access its database—entirely without their knowledge or consent.

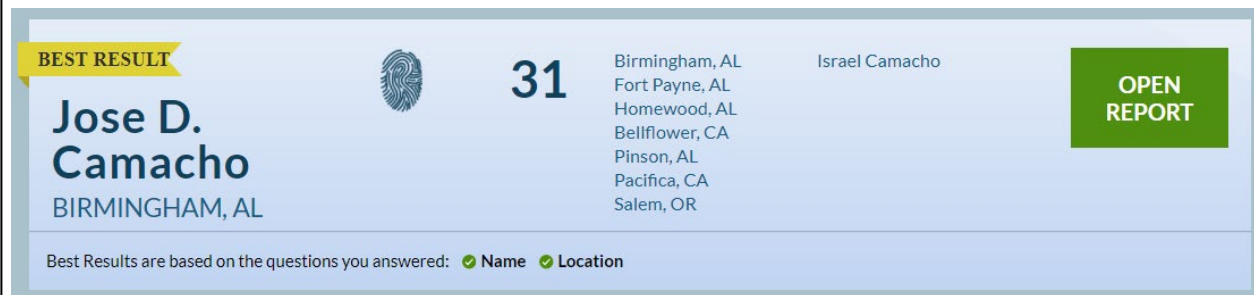
17 18. On information and belief, PeopleConnect creates and controls the marketing and
18 advertising of all the People Search Websites, including the nearly-identical Marketing Page
19 solicitations at issue in this case. PeopleConnect also controls many other operational aspects of
20 each of the People Search Websites, including by requiring each company to use customer
21 agreements created by PeopleConnect, and by providing coordinated customer service support for
22 each company.

23 19. Two People Search Websites are at issue. The first is Intelius.com, a website that
24 sells access to comprehensive background reports “on just about anyone.” The reports are
25 compiled in part from databases and public record repositories.

26 20. Subscriptions that let users access Intelius reports must be purchased from the
27 Intelius.com website. Once a subscription is purchased, users may access individual reports that

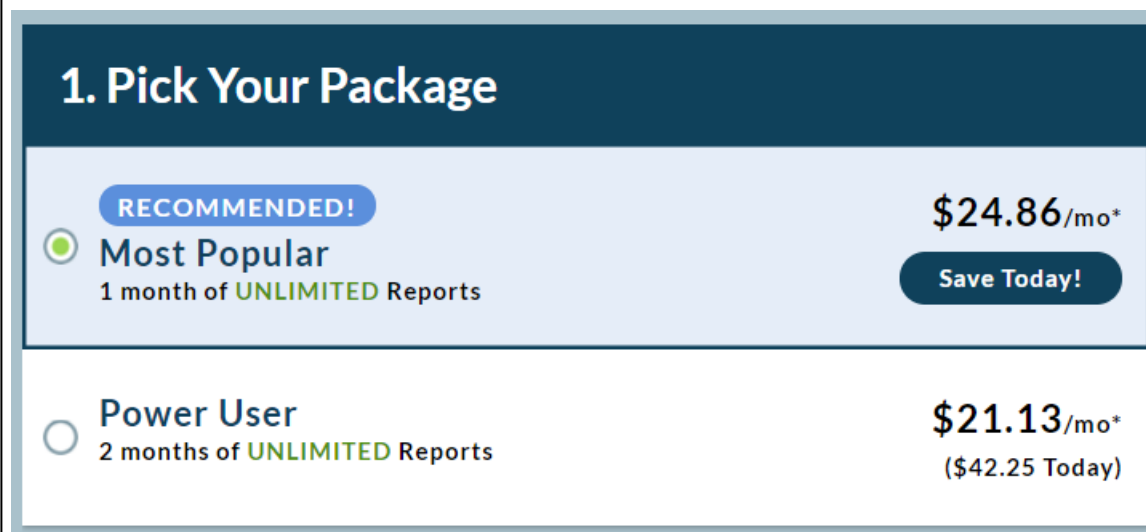
may include high value information including, *inter alia*, the individual's address, birth date, marriage records, and criminal history.

21. As shown in Figure 1 below, when a consumer visits Intelius.com and searches for an individual by using his or her first and last name, Intelius.com displays a list of the individuals found within its records that have the same name, alongside certain uniquely identifying information such as each individual's current age, location, and names of their immediate family members (the "Intelius Marketing Page").



(Figure 1.)

22. Once a consumer selects an individual (by clicking "Open Report") from the Intelius Marketing Page, Intelius displays a checkout page with two offers to purchase a subscription to the website: (i) a "MOST POPULAR" tier costing \$24.86 per month with access to one month of unlimited reports and (ii) the "Power User" tier costing \$42.25, with access to two months of unlimited reports. See Figure 2.



(Figure 2.)

23. The second People Search Website at issue here is USSearch.com, a website that also sells access to comprehensive background reports “on just about anyone.” The reports are compiled in part from databases and public record repositories.

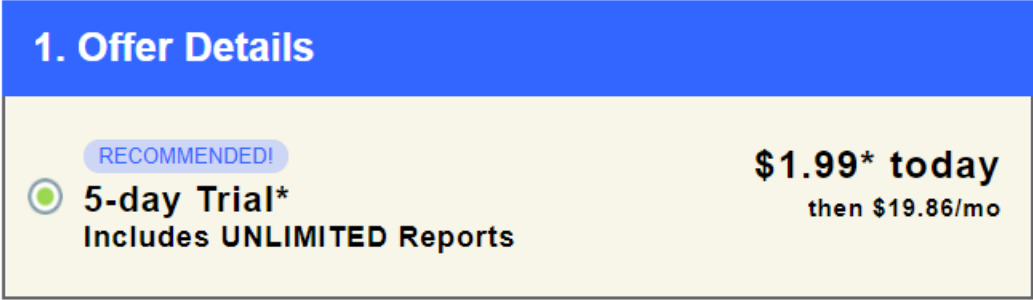
24. The information available on and through USSearch.com is accessed in the same way as that available on and through Intelius. Subscriptions that let users access US Search reports must be purchased from the USSearch.com website and may include high value information including, *inter alia*, the individual’s address, birth date, marriage records, and criminal history.

25. As shown in Figure 3 below, when a consumer visits USSearch.com and searches for an individual by using his or her first and last name, USSearch.com displays a list of the individuals found within its records that have the same name, alongside certain uniquely identifying information such as each individual’s current age, location, and names of their immediate family members (the “US Search Marketing Page”).

**(Figure 3.)**

26. Once a consumer selects an individual (by clicking “Get Your Report”) from the US Search Marketing Page, the US Search website displays a checkout page with an offer to purchase subscriptions: a 5-day trial costing \$1.99 with access to unlimited reports, with a monthly subscription costing \$19.86 per month thereafter. See Figure 4.

1. Offer Details



RECOMMENDED!

5-day Trial*
Includes **UNLIMITED** Reports

\$1.99* today
then \$19.86/mo

(Figure 4.)

27. While a consumer may visit either Intelius.com or USSearch.com hoping to search for information on one specific individual, both People Search Websites ultimately offer for sale an entirely different product. Neither Intelius.com nor USSearch.com offers for sale a report only on the searched individual. Instead, the websites offer for sale a monthly subscription service that grants the purchaser unlimited access to background reports on anybody in the websites' database. The searched for individual's report is a small part of a large database with reports on millions of people. On information and belief, the database that users can access through Intelius.com and USSearch.com is identical.

28. In this way, Defendants misappropriated people's identities (individuals' names and other identifying information such as their age, location, and known relatives) for their own commercial benefit (i.e., to market and promote a monthly subscription to access unlimited reports on individuals in the Intelius.com and USSearch.com database).

29. Most importantly, Defendants never obtained written consent from Plaintiff and Class members to use their names for any reason, let alone for commercial purposes. Defendants never notified Plaintiff and Class members that their names would appear on the Intelius or US Search Marketing Pages in conjunction with an offer to purchase subscription access to their database of reports. Moreover, Plaintiff and the Class members have no relationship with PeopleConnect or Intelius whatsoever.

30. Accordingly, Plaintiff, on behalf of himself and other similarly situated Alabama residents, brings this action against Defendants for their ongoing violations of the ARPA, and

seeks (1) injunctive relief requiring Defendants to cease using Alabama residents' identities for commercial purposes, including on any Marketing Pages, (2) the greater of an award of actual damages, including profits derived from the unauthorized use of individuals' names, or statutory damages, (3) an award of punitive damages, and (4) an award of costs and reasonable attorneys' fees.

FACTS SPECIFIC TO PLAINTIFF JOSE MEDINA CAMACHO

31. Plaintiff Jose Medina Camacho discovered that Defendants were using his identity to solicit the purchase of paid subscriptions to Intelius.com and USSearch.com.

32. Defendants specifically identified Plaintiff by his full name, age, location, and names of immediate family members on the Intelius and US Search Marketing Pages. *See* Figures 1 and 3.

33. Plaintiff never provided Defendants with his written consent (or consent of any kind) to use any attribute of his identity for commercial purposes, and certainly never authorized Defendants to use his identity to promote any of their products or services.

34. Plaintiff is not and has never been a customer of any of Defendants' websites. In fact, he has no relationship with PeopleConnect or Intelius whatsoever.

CLASS ALLEGATIONS

35. **Class Definition:** Plaintiff Jose Medina Camacho brings this action on behalf of himself and two Classes defined as follows:

The Intelius Class: All Alabama residents (1) whose identities were displayed on the Intelius Marketing Page and (2) who have never purchased any products or services on Intelius.com.

The US Search Class: All Alabama residents (1) whose identities were displayed on the US Search Marketing Page and (2) who have never purchased any products or services on USSearch.com.

36. Excluded from the Intelius and US Search Classes are: (1) any Judge or Magistrate presiding over this action and members of their families; (2) Defendants, Defendants' subsidiaries, parents, successors, predecessors, and any entity in which the Defendants or their parents have a controlling interest and its current or former employees, officers and directors; (3)

1 persons who properly execute and file a timely request for exclusion from the Intelius and US
 2 Search Classes; (4) persons whose claims in this matter have been finally adjudicated on the
 3 merits or otherwise released; (5) Plaintiff's counsel and Defendants' counsel; and (6) the legal
 4 representatives, successors, and assigns of any such excluded persons.

5 37. **Numerosity:** The exact number of class members in either the Intelius Class or
 6 US Search Class is unknown and not available to Plaintiff at this time, but it is clear that
 7 individual joinder is impracticable. Members of the Intelius and US Search Classes can be
 8 identified through Defendants' records.

9 38. **Commonality and Predominance:** There are many questions of law and fact
 10 common to the claims of Plaintiff and the putative Intelius and US Search Classes, and those
 11 questions predominate over any questions that may affect individual members of the Intelius and
 12 US Search Classes. Common questions for the Intelius and US Search Classes include, but are
 13 not necessarily limited to the following:

- 14 a. Whether Defendants used Plaintiff's and Intelius and US Search Class
- 15 members' names and identities for a commercial purpose;
- 16 b. Whether Plaintiff and members of the Intelius and US Search Classes
- 17 provided their written consent to Defendants to use their names and identities
- 18 in advertisements;
- 19 c. Whether the conduct described herein constitutes a violation of the ARPA;
- 20 and
- 21 d. Whether Plaintiff and the members of the Intelius and US Search Classes are
- 22 entitled to injunctive relief.

23 39. **Typicality:** Plaintiff's claims are typical of the claims of other members of the
 24 Intelius and US Search Classes, in that Plaintiff and the Intelius and US Search Class members
 25 sustained damages arising out of Defendants' uniform wrongful conduct.

26 40. **Adequate Representation:** Plaintiff will fairly and adequately represent and
 27 protect the interests of the Intelius and US Search Classes and has retained counsel competent

1 and experienced in complex class actions. Plaintiff has no interest antagonistic to those of the
2 Intelius and US Search Classes, and Defendants have no defense unique to Plaintiff.

3 41. **Policies Generally Applicable to the Intelius and US Search Classes:** This
4 class action is appropriate for certification because Defendants have acted or refused to act on
5 grounds generally applicable to the Intelius and US Search Classes as a whole, thereby requiring
6 the Court's imposition of uniform relief to ensure compatible standards of conduct toward the
7 members of the Intelius and US Search Classes and making final injunctive relief appropriate
8 with respect to the Intelius and US Search Classes as a whole. Defendants' policies challenged
9 herein apply and affect members of the Intelius and US Search Classes uniformly and Plaintiff's
10 challenge of these policies hinges on Defendants' conduct with respect to the Intelius and US
11 Search Classes as a whole, not on facts or law applicable only to Plaintiff. Plaintiff and the
12 members of the Intelius and US Search Classes have suffered harm and damages as a result of
13 Defendants' unlawful and wrongful conduct.

14 42. **Superiority:** This case is also appropriate for class certification because class
15 proceedings are superior to all other available methods for the fair and efficient adjudication of
16 this controversy because joinder of all parties is impracticable. The damages suffered by the
17 individual members of the Intelius and US Search Classes will likely be relatively small,
18 especially given the burden and expense of individual prosecution of the complex litigation
19 necessitated by Defendants' actions. Thus, it would be virtually impossible for the individual
20 members of the Intelius and US Search Classes to obtain effective relief from Defendants'
21 misconduct. Even if members of the Intelius and US Search Classes could sustain such
22 individual litigation, it would still not be preferable to a class action, because individual litigation
23 would increase the delay and expense to all parties due to the complex legal and factual
24 controversies presented in this Complaint. By contrast, a class action presents far fewer
25 management difficulties and provides the benefits of single adjudication, economies of scale, and
26 comprehensive supervision by a single Court. Economies of time, effort and expense will be
27 fostered and uniformity of decisions ensured.

FIRST CAUSE OF ACTION

**Violation of the Alabama Right of Publicity Act, Ala. Code § 6-5-770 *et seq.*
(On behalf of Plaintiff and the Intelius and US Search Classes)**

43. Plaintiff incorporates the foregoing allegations as if fully set forth herein.

44. The ARPA prohibits using a person's name, image, or likeness for the purpose of advertising or promoting products, merchandise, goods or services without consent. *See* Ala. Code § 6-5-772.

45. Defendants sell subscription-based access to their databases containing detailed reports about people.

46. As described above, to promote those reports, Defendants used Plaintiff's and the putative class members' identities on their various Marketing Pages, which display the individuals found within its records that match the searched name, alongside uniquely identifying information such as each person's current age, location, and names of their immediate family members. This information serves to identify the individual and demonstrate that there are detailed reports in their databases for the person they searched for.

47. The Marketing Pages have a commercial purpose in that they promote the Defendants' website and encourage potential customers to purchase paid subscriptions to access reports in their database.

48. Plaintiff and the members of the Intelius and US Search Classes never provided Defendants with their consent to use their identities in advertisements for Defendants' paid subscriptions.

49. Defendants deprived Plaintiff and the Intelius and US Search Class members of control over whether and how their names can be used for commercial purposes.

50. Based upon Defendants' violation of the ARPA, Plaintiff and the members of the Intelius and US Search Classes are entitled to (1) an injunction requiring Defendants to cease using Plaintiff's and Intelius and US Search Class members' names and any attributes of their identities to advertise their products and services, (2) the greater of an award of actual damages (including profits derived from the unauthorized use of Plaintiff's and Intelius and US Search

Class members' names and identities) or statutory damages of \$5,000 per violation to the members of the Intelius and US Search Classes, (3) an award of punitive damages, and (4) an award of costs and reasonable attorneys' fees.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Jose Medina Camacho, individually and on behalf of the Class, prays that the Court enter an Order:

- A. Certifying this case as a class action defined above, appointing Jose Medina Camacho as Class Representative, and appointing his counsel as Class Counsel;
- B. Declaring that Defendants' actions described herein constitute a violation of the ARPA;
- C. Awarding injunctive and other equitable relief as necessary to protect the interest of the Intelius and US Search Classes, including, *inter alia*, an order prohibiting Defendants from engaging in the wrongful and unlawful acts described herein;
- D. Awarding the greater of actual damages, including the profits derived from the wrongful and unlawful acts described herein, or statutory damages in the amount of \$5,000 per violation, to the members of the Intelius and US Search Classes;
- E. Awarding punitive damages where applicable;
- F. Awarding Plaintiff and the Intelius and US Search Classes their reasonable litigation expenses and attorneys' fees;
- G. Awarding Plaintiff and the Intelius and US Search Classes pre- and post-judgment interest; and
- H. Granting such other and further relief as the Court deems equitable and just.

JURY DEMAND

Plaintiff individually and on behalf of the Intelius and US Search Classes, demands a trial by jury for all issues so triable.

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1 DATED this 11th day of August, 2021.

2 Respectfully submitted,

3 **JOSE MEDINA CAMACHO**, individually and on
4 behalf of all others similarly situated,

5 By: s/ Kim D. Stephens

Kim D. Stephens, WSBA #11984

6 By: s/ Cecily C. Shiel

Cecily C. Shiel, WSBA #50061

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